



Paper No. 17

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OFFICE OF PETITIONS

In re Application of	:
Nils Carlin et al	: DECISION ON PETITIONS
Application No. 09/868,243	: UNDER 37 CFR 1.137(b)
Filed: June 15, 2001	: AND 37 CFR 1.313(c)(2)
Attorney Docket No. CARL3003/JDB	:

This is a decision on the petition under 37 CFR 1.137(b), filed October 23, 2003, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the application from issue.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.313(c)(2) is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 5, 2003 as required by the Notice of Allowance mailed February 5, 2003.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

After revival of the instant application, petitioner requests that the above-identified application be withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2). Accordingly, the above-identified application is withdrawn from issue.

Petitioner is advised that the issue fee paid on October 23, 2003 in the above-identified application cannot be refunded. If, however, the above-

identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680.

The application file is being forwarded to Technology Center AU 1645 for processing of the RCE filed October 27, 2003 and for consideration of the concurrently filed amendment and Information Disclosure Statement.


Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).